

JENNIFER CLARK
Assistant U.S. Attorney
U.S. Attorney's Office
P.O. Box 8329
Missoula, MT 59807
105 E. Pine, 2nd Floor
Missoula, MT 59802
Phone: (406) 542-8851
Fax: (406) 542-1476
E-mail: Jennifer.Clark2@usdoj.gov

FILED

APR 27 2022

Clerk, U S District Court
District Of Montana
Missoula

ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD RAY MCLEOD,

Defendant.

CR 22- 24 -M- Dw M

INDICTMENT

POSSESSION WITH INTENT TO
DISTRIBUTE FENTANYL

(Count I)

Title 21 U.S.C. § 841(a)(1)

Title 18 U.S.C. § 2

(Penalty: 20 years of imprisonment,
\$1,000,000 fine, and at least three years of
supervised release))

PROHIBITED PERSON IN POSSESSION
OF FIREARMS AND AMMUNITION
(Count II)

Title 18 U.S.C. § 922(g)(3)

(Penalty: Ten years of imprisonment,
\$250,000 fine, and three years of supervised
release)

<p>POSSESSION OF A FIREARM IN FURTHERANCE OF A DRUG TRAFFICKING CRIME (Count III) Title 18 U.S.C. § 924(c)(1)(A)(i) (Penalty: Mandatory minimum five years to life imprisonment, consecutive to any other sentence, \$250,000 fine, and five years of supervised release)</p> <p>CRIMINAL FORFEITURE Title 21 U.S.C. § 853(a)(1) and (2) Title 18 U.S.C. § 924(d)</p> <p>TITLE 21 PENALTIES MAY BE ENHANCED FOR PRIOR DRUG- RELATED FELONY CONVICTIONS</p>

THE GRAND JURY CHARGES:

COUNT I

That on or about December 20, 2021, at Ronan, in Lake County, and within the Flathead Indian Reservation, in the State and District of Montana, the defendant, DONALD RAY MCLEOD, knowingly and unlawfully possessed, with the intent to distribute, a substance containing a detectable amount of N-Phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]propanamide, *aka fentanyl*, a Schedule II controlled substance, and did aid and abet the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT II

That on or about December 20, 2021, at Ronan, in Lake County, and within the Flathead Indian Reservation, in the State and District of Montana, the defendant, DONALD RAY MCLEOD, knowing he was an unlawful user and addicted to a controlled substance, as defined in 21 U.S.C. § 802, knowingly possessed, in and affecting interstate commerce, firearms and ammunition, in violation of 18 U.S.C. § 922(g)(3).

COUNT III

That on or about December 20, 2021, at Ronan, in Lake County, and within the Flathead Indian Reservation, in the State and District of Montana, the defendant, DONALD RAY MCLEOD, knowingly possessed a firearm in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, namely the offense alleged in count I above, in violation of 18 U.S.C. § 924(c)(1)(A)(i).

FORFEITURE ALLEGATION

Upon conviction of the offense set forth in count I of this indictment, the defendant, DONALD RAY MCLEOD, shall forfeit, pursuant to 21 U.S.C. § 853(a)(1) and (2): (1) any property constituting and derived from any proceeds obtained, directly and indirectly, as a result of the commission of said offense; and

(2) any property used and intended to be used, in any manner and part, to commit, and facilitate the commission of, said offense.

Upon conviction of any of the offenses listed in counts II and III of this indictment, the defendant, DONALD RAY MCLEOD, shall forfeit, pursuant to 18 U.S.C. § 924(d), any firearms and ammunition involved and used in any knowing violation of said offense.

A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.

LEIF M. JOHNSON
United States Attorney

(for) JOSEPH E. THAGGARD
Criminal Chief Assistant U.S. Attorney